UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/811,234 | 03/26/2004 | Craig A. Hobbs | .60001.0305US01/MS305256.1 | 9019 |

7590          12/04/2006

Christopher J. Leonard
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN  55402-0903

| EXAMINER |
|---|
| TRAN, QUOC A . |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2176 | |

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
| | 10/811,234 | HOBBS ET AL. |
| **Office Action Summary** | Examiner | Art Unit | |
| | Gautam Sain | 2176 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on *15 September 2006*.

2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) *28-54* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *28-54* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1)     This is a Final rejection in response to the application filed on 9/15/2006.

2)     Claims 1-27 are cancelled and claims 28-54 are new claims.

3)     Effective filing date is 3/26/2004.

### Information Disclosure Statement

4)     The information disclosure statement filed 5/9/2006 fails to comply with 37 CFR

1.98(a)(1), which requires the following: (1) a list of all patents, publications,

applications, or other information submitted for consideration by the Office; (2) U.S.

patents and U.S. patent application publications listed in a section separately from

citations of other documents; (3) the application number of the application in which the

information disclosure statement is being submitted on each page of the list; (4) a

column that provides a blank space next to each document to be considered, for the

examiner's initials; and (5) a heading that clearly indicates that the list is an information

disclosure statement.  The information disclosure statement has been placed in the

application file, but the information referred to therein has not been considered.

The document filed on 5/9/2006 is not in the form of an information disclosure

statement and does not provide sufficient information for the Examiner to review and

consider the information provided.  The document presents factual evidence relating to

the patentability of the invention without proper affidavit support.  Accordingly, the

document is acknowledge as having been received, but has not been considered by the

Examiner.

## *Claim Rejections - 35 USC § 103*

5)      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

**5-1)    Claims 28-54 are rejected under 35 U.S.C. 103(a) as being unpatentable**

**over Nonpatent Literature Microsoft Excel 2000 (as described in the book "Using**

**Microsoft Excel 2000", by Angie Wethington, published by Que corporation, May**

**1999, pags 545-549)(hereinafter "Excel").**

**Regarding independent claim 28, 38 and 47,** Excel teaches associating a bounding

formula with an application cell, wherein the bounding formula includes a range of

permitted values; receiving a value associated with the application cell; determining

whether the received value is within the range of permitted values of the bounding

formula; permitting the received value when the received value is within the range of

permitted values of the bounding formula.  Specifically, Excel discloses data validation

that enable someone to tell Excel to accept only data values that are between a

described range, apply validations to numbers, times, dates, etc. (see Excel pages 545-

549).  Fig 19.23 on page 547 shows date validation for allowing dates between a

specific start date and a specific end date.

Excel does not expressly teach automatically changing the received value to a value within a range of permitted values of the bounding formula when the received value is outside the range of permitted values of the bounding formula, but does render it obvious. Specifically, Excel teaches overcoming the problem in the art of a user entering erroneous data into cells and preventing errors from being typed into a worksheet and accepting only certain kinds of entries within a cell, for example numbers within a certain range, and taking some action to correct the problem when there is data accepted outside that range (page 545, middle to bottom).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Excel to overcome the problem in the art of a user entering erroneous data into cells and preventing errors from being typed into a worksheet and accepting only certain kinds of entries within a cell, for example numbers within a certain range, and taking some action to correct the problem when there is data accepted outside that range in order to provide the benefit to a user for dealing with the possibility of error within a workbook and avoiding incorrect formulas from creeping into workbooks (see Excel, middle).

**Regarding claims 29 and 39**, Excel teaches spreadsheet cell (page 547).

**Regarding claims 30, 40, and 48**, Excel teaches a bound maximum argument. For example, Fig 19.23 on page 547 shows date validation for allowing dates <u>between</u> a specific start date and a specific end date, where the start date is an example of a minimum value and the end date is an example of a maximum.

**Regarding claims 31, 41 and 49,** Excel teaches a range of permitted values

associated with an inclusive bound type argument. Fig 19.23 on page 547 shows date

validation for allowing dates <u>between</u> a specific start date and a specific end date.

**Regarding claims 32, 42 and 50,** Excel teaches a user input value. For example,

validating data entry for the person entering the data (page 545).

**Regarding claims 33, 43 and 51,** Excel teaches disable argument when the disable

argument is designated. For example, Fig 19.23 on page 547 shows a selectable

dropdown list labeled "Allow" and the option selected for this example is "Date",

however, when the user selects the option "Any value", the range validation options is

disabled and the cell can accept any value.

**Regarding claim 34,** Excel does not expressly teach automatically changing the

received value to a value within a range of permitted values includes automatically

changing the received value to a value within the range of values that is closest to the

received value, but does render it obvious. Specifically, Excel teaches overcoming the

problem in the art of a user entering erroneous data into cells and preventing errors

from being typed into a worksheet and accepting only certain kinds of entries within a

cell, for example numbers within a certain range, and taking some action to correct the

problem when there is data accepted outside that range (page 545, middle to bottom).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Excel to overcome the problem in the art of a user entering

erroneous data into cells and preventing errors from being typed into a worksheet and

accepting only certain kinds of entries within a cell, for example numbers within a

certain range, and taking some action to correct the problem when there is data

accepted outside that range in order to provide the benefit to a user for dealing with the

possibility of error within a workbook and avoiding incorrect formulas from creeping into

workbooks (see Excel, middle).

**Regarding claims 35, 44 and 52**, Excel teaches the bounding formula includes a value

argument. For example, Fig 19.23 on page 547 shows date validation for allowing

dates <u>between</u> a specific start date and a specific end date, where the start date is an

example of a minimum value and the end date is an example of a maximum.

**Regarding claim 36, 37, 45, 46, 53 and 54**, Excel does not expressly teach

determining a value within the range of permitted of values that is closest to the

received value, and automatically changing the received value to a value within a range

of permitted values includes automatically changing the received value to a value within

the range of values that is closest to the received value, but does render it obvious.

Specifically, Excel teaches overcoming the problem in the art of a user entering

erroneous data into cells and preventing errors from being typed into a worksheet and

accepting only certain kinds of entries within a cell, for example numbers within a

certain range, and taking some action to correct the problem when there is data

accepted outside that range (page 545, middle to bottom).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Excel to overcome the problem in the art of a user entering

erroneous data into cells and preventing errors from being typed into a worksheet and

accepting only certain kinds of entries within a cell, for example numbers within a

certain range, and taking some action to correct the problem when there is data

accepted outside that range in order to provide the benefit to a user for dealing with the

possibility of error within a workbook and avoiding incorrect formulas from creeping into

workbooks (see Excel, middle).

### *Response to Arguments*

Applicant's arguments with respect to claims 28-54 have been considered but are

moot in view of the new ground(s) of rejection.   Since claims 28-54 are new claims, the

examiner asserts a line of rejection to address these claims and addresses the

arguments in the rejections (see rejections above).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP

§ 706.07(a).  Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GS
11/27/06
gs

Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100